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In re Application of :
Garry Tsaur :
Application No. 10/661,997 :
Filing or 371(c) Date: 09/12/2003 :
Title of Invention: :
SPECIMEN COLLECTOR : **ON PETITION**

OFFICE OF PETITIONS

This is a decision on the "Petition to Withdraw Notice of Abandonment Under 37 CFR § 1.181", filed October 25, 2006. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed February 10, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned May 11, 2006. A Notice of Abandonment was mailed August 24, 2006.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply to the Office action, to wit – an Amendment and extension of time request and fee, was filed on August 9, 2006, and received by this Office as evidenced by the copy of Applicant's return-receipt postcard. In support of this assertion, Applicant files a copy of the response, and a copy of his return-receipt postcard acknowledging receipt by this Office of the response on August 14, 2006.

Analysis and conclusion

A review of the response reveals that it contained a Certificate of Mailing under 37 CFR 1.8, certifying that the response was mailed to this Office on August 9, 2006. The Certificate of Mailing was executed by Petitioner herein.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3763 for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods

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